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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,929	01/29/2002	Tuan Bui	5807US BX2009T01027	8386
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P.O. Box 1135	(00.1125	COBANOGLU, DILEK B		
Chicago, IL 60690-1135			ART UNIT	PAPER NUMBER
			3626	
			NOTIFICATION DATE	DELIVERY MODE
			04/16/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

	Application No.	Applicant(s)
	10/059,929	BUI ET AL.
Office Action Summary	Examiner	Art Unit
	DILEK B. COBANOGLU	3626
The MAILING DATE of this communication a	ppears on the cover sheet with th	ne correspondence address
Period for Reply	LVIO OET TO EVENE AMAND	FLVO) OD TUUDTV (OO) DAVO
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perion. - Failure to reply within the set or extended period for reply will, by statuant Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICAT 1.136(a). In no event, however, may a reply but the dwill apply and will expire SIX (6) MONTHS that, cause the application to become ABANDO	ION. be timely filed from the mailing date of this communication. DNED (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on 16 This action is FINAL. 2b) ☐ The Since this application is in condition for allow closed in accordance with the practice under	nis action is non-final. vance except for formal matters,	•
Disposition of Claims		
4) ☐ Claim(s) 1-191 is/are pending in the application 4a) Of the above claim(s) is/are withdrest 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-191 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and the subjec	rawn from consideration.	
Application Papers		
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) according a deplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the B	ccepted or b) objected to by the drawing(s) be held in abeyance. ection is required if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority docume 2. Certified copies of the priority docume 3. Copies of the certified copies of the priority docume application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in Applic iority documents have been rece au (PCT Rule 17.2(a)).	cation No eived in this National Stage
Attachment(s)	»□	(DTO 440)
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>9/16/2009</u>. 	4) Interview Summ Paper No(s)/Ma 5) Notice of Inform 6) Other:	

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/16/2009 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/16/2009 was filed after the mailing date of the Request for Continued Examination on 09/16/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-191 are rejected under 35 U.S.C. 102(e) as being unpatentable by White et al. (hereinafter White) (U.S. Patent No. 6,790,198 B1).

- A. Claim 1 recites a method for operating a medical device, the method comprising the steps of:
 - i. inputting into a first computer a first patient identifier and an operating parameter for the medical device (White; col. 6, line 48 to col. 7, line 57);
 - ii. inputting into a second computer, from a first source, a second patient identifier (White; col. 15, lines 3-20);
 - iii. inputting into the second computer, from a second source, a medication identifier, the medication identifier including a third patient identifier (White; col. 9, lines 35-43);
 - iv. determining if the second patient identifier is equivalent to the third patient identifier and sending the medication identifier to the first computer, if the second patient identifier is equivalent to the third patient identifier (White; col. 6, line 48 to col. 7, line 57); and
 - v. determining if the third patient identifier is equivalent to the first patient identifier and sending the operating parameter from the first computer to the medical device, if the third patient identifier is equivalent to the first patient identifier, where the operating parameter does not pass through the second computer (White; col. 4, lines 13-52).

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B. Claims 2-191 are rejected for the same reasons given in the Office Action dated 1/30/2008 (paper number 3-13), and incorporated herein.

Conclusion

- 5. This is a continuation of applicant's earlier Application No. 10059929. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571) 272-8295. The examiner can normally be reached on 8-4:30.

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher L. Gilligan can be reached on (571) 272-6770. The fax phone

number for the organization where this application or proceeding is assigned is (571)

273-8300.

9. Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/D. B. C./ Examiner, Art Unit 3626

3/29/2010

/Gerald J. O'Connor/ Supervisory Patent Examiner Group Art Unit 3626